

1893-025 Chancery Causes: Thomas S. Ely, ship vs. William D. Moorley &c
Lee Co.

Duff, Morley

CA-Debt
T-Property

-Deed

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County Virginia:

Humbly complaining your Orator Thomas
S. Ely, Sheriff and Commissioner would respectfully show
unto your Honor. that on the 19th day of Jan. 1878
he obtained a judgment at law by confession in the
Clerks office of your Honors court. against one Samuel
H. Duff and William D. Morley for the sum of \$296.32
with legal interest thereon from the 21st day of Feb. 1876.
till paid, and the costs at law. amounting to \$5.47. and
a copy of said judgment is herewith filed marked (A)

Your Orator states that on this judgment there has
been paid the following sums to wit \$150.00 March 27- 1879
\$25.00 Feb. 4- 1881. and \$25.00 Feb. 21- 1883. and subject to
these credits the balance of said judgment is now due
and owing to your Orator. no other or further part thereof
having at any time been paid thereon by any one.

Your Orator states that the notes on which said judgment
was obtained were executed Feb. 21. 1876 for the lease price
of the land of the late Robert Duff, and although more than
eight years have elapsed, the claim has not yet been paid
and your Orator in order to enforce payment thereof is
a second time forced into a Court of equity to obtain his rights
and the sum justly due him

Your orator states that at the time said judgment was rendered, as well as now, the said William D. Morley was the owner of ^{an undivided half of} a small tract of land, in which he now lives, lying on the main road, about 19 miles west of Jemison, containing about 100 acres ^{more or less}, and a copy of the deed by which he acquired this land, is herewith filed marked (B);

Your orator further states that the said Samuel H. Duff lately inherited from his deceased father Robert Duff one undivided sixth part of a tract of land containing 175 acres more or less, lying in said county of Lee, and near the head of Hallens Creek above Stickyville.

Your orator states that the rents and profits of the lands so owned by the said Morley and said S. H. Duff will not in five years pay the balance due on said judgment. And your orator is advised that said judgment constitutes a valid and subsisting lien on the lands owned by said Morley and said S. H. Duff which it is the province of a court of equity to enforce by decreeing the same to be sold for that purpose, and to obtain that relief is the object of this suit.

Your orator therefore prays that said William D. Morley and Samuel H. Duff be made defendants to this bill, and required to answer the same fully on oath, and upon a hearing of the cause a decree be rendered

in favor of your Orator against them for said judgments
and costs and the costs of this suit, and that said lands or
so much thereof as may be necessary to pay the balance
due on said judgments be decreed to be sold, for the purpose
and if in any way mistaken in this his special prayer
then your Orator prays for all general relief: May the
commonwealth writ of Habeas Corpus.

Henry J. Morgan for Plaintiff

6. 76
 3 1.00
 Co l 40
 A 18.00
 23.16
 Estimate 6. 7. 05-

Thomas S. Ely & Co.

vs. } Bill to enforce judgment.

William D. Moorley & al

1884 Sept Bill filed

to the Court & District

Court. C. P. confirmed and

case set for hearing by Judge

1885 Mr. Court Aug Decreted

for Continuance

1886 Mr. Court continued

1887 Court 1888 Court

1889 Court 1890 Court

1891 Court 1892 Court

1893 March Decree final.

Thomas S. Ely admt. & Poff }
 vs } In Ely
 Wm. S. Henry & S. H. Duff Defts }

On calling this cause at the present Term of this
 Court, it was announced at the bar by the counsel for the
 Poff. that the judgment at law, to enforce ^{the payment of} which this suit
 was brought had been principally paid, and that new notes
 for the small balance still due, had been executed, satisfactory
 to the Poff and that no further action in the cause was
 necessary. It is therefore agreed and ordered that the parties
 be hence dismissed and the cause struck from the docket.

Thos. S. Ely Sheriff admt.

27. } Decm 102 final

W. S. Morley sal

Entered O. B. Page

434.

March 7 1893

J. A. S. Hyatt

Entered thus
March 7 1893

K. S. K. M.

Thomas S. Ely Shffr.

Peff.

vs.

William D. Morley &c

Defts

} In Chy

This cause came on this day to be heard on the bill of the plaintiff and exhibits therewith taken for confessed by the defendants and was argued by counsel:

On consideration of the matters thereof it appears to the Court that the Peffs judgment is such a sum as it will enforce by a sale of so much of the cpts and estate as will pay the balance due thereon the costs of this suit, should the same be not paid the plaintiff within 30 days from the rising of the Court: It is therefore adjudged ordered & decreed that the Peffs recover against the cpts, the costs of this suit, and that said judgment at law of \$301.79. with legal interest on \$296.32 thereof from Feb. 21 at day of Feb. 1876 till paid, subject to the following credits to wit \$150.00 paid March 27-1879, \$25.00 paid Feb. 4 1881, \$25.00 paid Feb. 21-1883 + \$45.00 paid March 17-1885 and the said costs be enforced by a sale of so much of the cpts land as will pay the same, on the following terms to wit The costs of suit and sale and an third part of it due on said judgment shall be paid in cash and as to the residue 6 + 12 months credit is ^{given} with interest from day of sale and the purchaser is required to give bond with approved security for the deferred payments, said sale shall be made at the front door of the Court house to the highest bidder on some Court day after 30 days notice of the time time & place of sale shall have been given, And Henry J.

Thomas S. Ely staff.

20. } Dec 101.

W. D. Morley tal

Entered Page 465

J. R. Gibson D.C.

Entered

Ex. 27/83

Aug 27/83

Morgan is appointed a Special Commissioner to
execute this decree who before doing so will give bond
before the clerk of this court with good security ^{in the penalty of \$400.00} with
condition to account for all money he may receive
in this cause & he will report his action to the court
& the cause is continued;

Virginia

In the clerk's office of the Circuit Court of
Lee County the 19th day of Jan. 1878.

Thomas S. Ely Sheriff vs.

Deft.

vs.

In Debt.

Samuel H. Duff Jas D. Duff & Wm D. Moorley Defts

This day came the Deft by his attorney, and
the defendants Samuel H. Duff and William D.
Moorley personally appeared before me in my
office and confessed a judgment against them-
selves in favor of the Deft for \$296.32 ^{and of the} ~~the~~ debts.
in the declaration mentioned with legal
interest thereon from the 21st day of February
1876 till paid and the costs of this suit. It
is therefore considered that the Deft recover of
the debts Samuel H. Duff & William D. Moorley
said Sum of \$296.32 with legal interest thereon
from the 21st day of February 1876 till paid
and the costs, and an alias Summons is
awarded against the debt James D. Duff
And the said Defts S H. Duff and Wm D. Moorley
waived any objection they might make at
law, to the fact that one of the notes sued on
does not become due and payable until the
21st day of February 1878.

A Copy Teste

R. W. Orr Jr. D. Clerk

62.97

2.50

5.47

296.32

301.79

1879 March 27 - By cash of M. Drake \$150.00

1881. Feb. 4 - By cash of Duff \$25.00

1883 Feb. 21st Or By cash \$25.00

1885. March 17. Or By cash \$45.00

(A)

Thomas S. Ealy Sheriff

vs { Copy sent to - Carter

Sett. Duff & M. D. Hoadley

Thos. S. Ealy Sheriff
vs { Copy of judgment
David H. Duff & et al.

I know all men by these presents, That I
Marian Thompson of Lee County and
State of Virginia, for and in consideration
of the natural love and affection which
I bear to my two nephews George W. Morley
and William D. Morley as well as for the further
consideration of the sum of one dollar to me in
hand paid by the said George W. Morley and
William D. Morley at the sealing of these pres-
ents the receipt whereof is hereby acknowl-
edged, have granted and by these presents do
give and grant unto the said George W. Morley
and William D. Morley their executors ad-
ministrators and assigns forever all the
lands I now in Lee County and in the State
of Virginia, and lying on both sides of Indian
Creek and the main road, it being
the same land, deeded or devised to me
by my father Jonathan Thompson deceased
and where I now reside, with all its appur-
tenances, and the said George W. Morley and
William D. Morley and their heirs forever
the said Marian Thompson doth covenant
to and with the said George W. Morley and
William D. Morley and their heirs that she
the said Marian Thompson will warrant
the rights of the foregoing lands generally in
witness whereof I the said Marian Thompson

have herein to set my hands and affixed
my seal the 26th day of January 1857.

Marian^{her}_{mark} Thompson Seal

Lee County to wit:

I Robert M. Bates a Justice of the
peace for the county of Lee in the State of Virginia
do hereby certify that Marian Thompson whose
name is signed to the writing within bearing
date on the 26th day of January 1857. acknowl-
edged the same before me in my county,
Sinece under my hand this 26th day of Jan-
uary 1857.

Robert M. Bates J. P.

Lee County clerks office the 12th day
of February 1857.

A deed of gift from Marian Thompson of the
one part to George W. & Mrs D. Morley of the
other part was admitted to record
upon the certificate of a Justice of this
County.

H. J. Morgan C. C.

A copy

John R. Gibson Clerk

E. W. & W. D. Morley

Trinity Deeds

Mariam Thomson

Book 14 P. 164.

(B.)

Fee for this copy 40^{cs}

Notice

Thomas S. Ely Sheriff vs.

Peffer

vs.

De Chy.

W. D. Morgan & S. H. Duff Jr

Depts

Remount to a decree of the Circuit Court of the County rendered in the above styled cause on the 17th day of August 1885 as a Court thereby appointed, to do so. Will proceed on the first day of the next Term of the Court for the sale of the land in the year 1886 at the first day of the next house to sell at public auction to the highest bidder the tract of land on which said mortgage was made, and the one undivided sixth part of the ^{tract of land of the} late Robert Duff and which descended to the said S. H. Duff, or so much thereof as will pay the debt interest and costs of the first payment at law in the said Court, and the costs of this suit, a statement of which will be seen at the first hearing.

At this sale 10 Bushels of wheat will be required as will pay the costs of suit and sale, and one third part of the proceeds of the judgment at law, and as to the remaining two thirds of said judgment, 5% of the same will be given with interest from day of sale, and the purchaser required to give bond with approved security for the deferred payments.

April the 8th 1886

Henry J. Morgan Comr.

Bal of Judgt due plff after credits to May the 18th 1885 \$178.25

Added for costs of this suit

25 16

Interest on 1885

2 00

Added for Commission on Sale

11 16

Total \$ 216 41

The bond required by law to be executed by Comr. Morgan has been given by J. D. Morgan as security filed in the cause.

J. A. (S. Duff) & Co

Thos S Ely diffon

as } Advertisement - Cont

S. H. Duff & Co

J. S. Ely Jud. or. Duff & Howley due Feb. 21-1876 for 296 32

Interest on Same to March 27-1879 55 11

Add for costs of Suit Judgt. confid. 5 47
356 90

Credit March 27-1879 By cash of Martin Drake 150 00
206 90

Interest on Same to Feb. 4-1881 23 01
229 91

Credit Feb. 4-1881 by cash of J. D. Duff 25 00
204 91

Interest on Same to Feb. 21-1883 24 83
229 74

Credit Feb. 21-1883 By cash of J. D. Duff 25 00
204 74

Interest on Same to March 17-1885 25 50
230 24

Credit March 17 1885 By cash 45 00
185 24

Interest on Same to May the 15 1886 12 96

Add for costs of Suit \$25.16 Estimated 2.00

" " 5 per cent commission 11 16
234 52

Cr May 1 1886 By cash \$82.00 + \$15.00 May 20 1886 95 00
184 52

Thomas S. Ely diff +

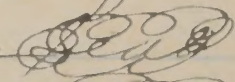
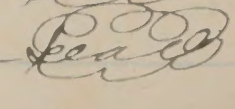
(vs.)

Wm. D. Morley & S. H. Duff

Calculation +

Know all men by these presents that
we Henry J. Morgan and Jas D. Morgan
are held and firmly bound unto
the Commonwealth of Virginia in
the just and full sum of \$400.00
to the payment whereof, well and truly
to be made to the said Commonwealth,
we bind ourselves heirs &c, jointly
and severally, firmly by these presents
and we as to this bond waive our
homestead Exemptions witness
our hands and seals this the 19th
day of Sep. 1885.

The condition of the above obligation
is such that whereas the above bound
H. J. Morgan was appointed a special
Commissioner, by a decree rendered in the
Chancery cause of Thos. S. Ely vs Wm. D.
Morley et al to ^{rent} ~~sell~~ certain lands mentioned
in said bill. Now therefore if the
above bound H. J. Morgan, shall faithfully
the duties as required, and truly
account for such sum of money as
he may receive then this obligation to
be void otherwise to remain in full force,
and virtue.

Henry J. Morgan 
Jas D. Morgan 

Thos. S. Ely
vs $\frac{1}{2}$ Courts Bond

Wm. L. Morelyital

Filed Sept. 19th 1885.

J. A. Hyattce

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon

Wm. D. Morley and
S. B. Duff

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in
October next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against
them, by *Thomas S. Ely Sheriff & Commissioner &c*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,
this *24th* day of *September*, 1884, in the 10⁹ year of the Commonwealth.

J. A. G. Hyatt, Clerk.

A Copy---Teste :

7

H. J. M.

Theo. S. Ely Sheriff Town

no 3 Spa in Chay

Wm. D. Moreley et al

October Rules 1884

Executed by deliver-
ing an office

copy of this Spa
in Chay to Wm. D.

Moreley and J. H.
Duff - October 4 1884

L. Hewing & S
for R. D. Flannery
S. L. C.